

MINUTES

CASE NUMBER: 1:22-CV-00532-JAO-RT

CASE NAME: Riki O'Hailpin, et al. vs. Hawaiian Airlines Inc., et al.

ATTY FOR PLA: Lloyd Hochberg*
John Sullivan
Walker Moller
Laura Carroll
David Nimocks*

ATTY FOR DEFT: John Rhee*
Nicholas Kacprowski

JUDGE: Rom Trader

REPORTER: ZOOM

DATE: 02/27/2023

TIME: 9:10 AM-9:27 AM

COURT ACTION: EP: TELEPHONIC RULE 16 SCHEDULING CONFERENCE
hearing held.

Discussion had. This case is one of several related cases. This action is the only putative class action. The following are currently pending related cases:

1. *Brody vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:22-cv-000482 JAO-KJM

2. *Brody vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:23-cv-00046 HG-KJM

3. *Brennan vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:22-cv-00481 HG-KJM

4. *Brennan vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:23-cv-00047 JAO-RT

5. *Kahahawai vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:22-cv- 00484

JAO-WRP

6. *Kahahawai vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:23-cv- 00048
JAO-WRP

7. *Kahauolopua vs. Hawaiian Airlines, Inc.*; Civil No. 1:22-cv-00531 DKW-
WRP

8. *Nakamitsu vs. Hawaiian Airlines, Inc.*; Civil No. 1:22-cv-00536 DKW-
KJM

9. *Schenk vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:22-cv-00483 JMS-
WRP

10. *Schenk vs. Hawaiian Airlines, Inc., et al.*; Civil No. 1:23-cv-00049 DKW-
WRP

11. *Victorino vs. Hawaiian Airlines, Inc.*; Civil No. 1:22-cv-00527 JMS-RT

Plaintiffs' counsel in the instant case do not represent any of the plaintiffs in the foregoing matters. Defense counsel, however, is the same in all cases.

Parties encouraged to confer with counsel in related cases to determine whether some form of case management may be appropriate. At the very least, the Court expects the parties in all cases to discuss coordination of certain core discovery requests (documents, interrogatories and 30(b)(6) depositions) to ensure efficiency and cost-effectiveness, where possible.

Defendants' answer or responsive motion in the instant case is due 3/6/2023. Should Defendant file a motion to dismiss, Plaintiffs are willing to consider filing an amended complaint. To monitor this and possibly obviate the need for the district judge to rule on a motion to dismiss, the Court schedules a Telephone Conference for **3/14/2023 at 8:45 a.m.** before Magistrate Judge Trader. No submissions required.

As for settlement, parties amenable to after some preliminary discovery and ruling on anticipated motion for class certification.

Court sets Telephone Conference for **6/2/2023 at 9:00 a.m.** before Magistrate Judge Trader. No submissions required. Parties to be prepared to discuss status of discovery, pending motions (if any) and setting a deadline to file class certification motion.

Call in instructions for both the 3/14/2023 and 6/2/2023 Conferences are as follows. Parties and other participants must call at least five (5) minutes prior to the scheduled

start time of the conference. Call-in instructions are below:

Dial in number: 1-833-568-8864 (toll-free).

Meeting ID: 161 5641 6035.

Rule 16 Scheduling Order to issue.

Dates given:

Trial Date:¹	Date
1) Jury Selection/Jury Trial to follow before Judge Otake	06/03/2024 9:00 AM Location: Aha Kanawai
Amending Pleadings:	
2) Deadline to file motions for leave to join additional parties or to amend pleadings	08/08/2023
Expert Witnesses:	
Under Rule 26(a)(2), each party shall disclose the identity and written disclosures of any person who may present expert evidence:	
- 3a) Plaintiff(s) shall comply by:	09/25/2023
- 3b) Defendant(s) shall comply by:	11/24/2023
Discovery:	
5a) Discovery deadline ²	01/05/2024
5b) All discovery motions and letter briefs shall be filed by	12/06/2023
Motions:	
6) Dispositive motions shall be filed by	01/05/2024
7) All other non-dispositive motions including any motion requiring an evidentiary hearing (including Daubert motions) shall be filed by. This deadline does not include motions in limine or discovery motions.	03/05/2024
8a) Motions in Limine shall be filed by	05/06/2024
8b) Opposition Memo to a Motion in Limine shall be filed by	05/13/2024
Settlement:³	
9) The Settlement Conference before Magistrate Judge Trader	02/27/2024 10:00 AM Location: Telephonic Hearing
10) Confidential Settlement Conference Statements ⁴ submitted in pdf to Magistrate Judge Trader's Orders inbox by	02/20/2024

Trial and Final Pretrial:	
12) Final Pretrial Conference before Magistrate Judge Trader	04/23/2024 9:00 AM Location: Telephonic Hearing
13) Pretrial Statements ⁵ shall be filed by	04/16/2024
Other trial-related deadlines: ⁶	
- 14) Exhibit list and demonstrative aids	05/06/2024
- 15) Final witness list	05/13/2024
- 18) Stipulations re: authenticity/admissibility of proposed exhibits	05/13/2024
- 19a) Deposition excerpt designations	05/13/2024
- 19b) Depositions counter-designations and objections	05/20/2024
- 20) Trial Brief	05/20/2024
- 21) Objections to the admissibility of exhibits	05/20/2024
- 22a) An original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court by	05/28/2024
- 22b) Thumb drive of all exhibits to be submitted to the court by	05/28/2024
- 27) Voir dire questions, special verdict form, Concise statement of the case, and Jury Instructions	05/20/2024
28) Final Pretrial Conference before Trial Judge Otake	05/20/2024 10:00 AM Location: Aha Kanawai

Other Matters

Court sets Telephone Conference for **March 14, 2023, at 8:45 AM** and **June 2, 2023, at 9:00 AM** before Magistrate Judge Trader. No submissions required. Parties and other participants must call-in at least five (5) minutes prior to the scheduled start time of the conference. Call-in instructions are below.

Dial in number: 1-833-568-8864 (toll-free).

Meeting ID: 161 5641 6035.

The parties are directed to review the *General Civil Case Procedures Before Judge Otake* available on the court's website.

Submitted by: Lian Abernathy, Courtroom Manager

Information Sheet:

¹ All counsel and self-represented litigants shall proceed with diligence to take all steps necessary to bring an action to readiness for trial. When it appears that counsel or a self-represented party is not prosecuting the case with such diligence, the court may impose sanctions, including dismissal of the case after notice and an opportunity to be heard. See L.R. 16.1. The parties must file a motion or joint stipulation to continue trial or other related deadlines. Even if by stipulation or an unopposed motion, the parties must provide sufficient information for the court to find “good cause” for “modifying a schedule.” Fed. R. Civ. Pro. 16(b)(4).

² Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure 26 through and including Rule 37 must be completed by the discovery deadline, including all responses to discovery requests.

³ If a consent case settles, parties shall notify chambers as soon as possible. Before the court will vacate all dates and deadlines, counsel and parties proceeding pro se should be prepared to place the material terms of the settlement on the record, by telephone or in person, or submit a settlement agreement or joint letter that sets forth the material terms. An attorney who fails to give the court prompt notice of settlement may be subject to such discipline as the court deems appropriate.

⁴ The parties are directed to Local Rule 16.5(b) for requirements of the Confidential Settlement Conference Statement. The parties shall exchange written offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

⁵ The parties are directed to Local Rule 16.4(b) for required contents of the pretrial statements.

⁶ Trial-related deadlines will likely differ depending on the trial judge but will include deadlines related to: motions in limine and responses; exchange of witness and exhibit lists; trial briefs, jury instructions, voir dire, deposition designations, the verdict form, and, in a non-jury case, the findings of fact and conclusions of law.